

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

242 PARTNERS, L.P., D/B/A JAMES  
COHAN GALLERY  
AND AXA ART INSURANCE  
CORPORATION,

Plaintiffs,  
-against-  
SEAN GELB,  
Defendant.

Case No: 12 CV 2561-HB

ECF CASE

NOTICE OF  
DEFENDANT'S MOTION TO DISMISS  
THE PLAINTIFFS' DECLARATORY  
ACTION

PLEASE TAKE NOTICE that upon the annexed declaration of Sean Gelb, affirmed on April 27, 2012 and upon the exhibits attached thereto, the accompanying Memorandum of Law in support of this motion and the pleadings herein, the Defendant, Sean Gelb, through undersigned counsel, will move this Court, before Honorable Harold Baer, United States District Judge, for an order pursuant to Rule 12(b) of the Federal Rules of Civil Procedure granting Defendant's MOTION TO DISMISS and ordering that the above captioned case be dismissed with prejudice.

PLEASE TAKE FURTHER NOTICE, pursuant to Local Rule 6.1(b), papers in opposition to this motion must be served so that they are received by the undersigned no later than May 11, 2012. Reply papers to Plaintiff's opposition papers must be served no later than May 18, 2012.

Date: April 27, 2012

Respectfully Submitted,

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s/Brooke Terpening  
Brooke Terpening  
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